

REMARKS

In an Office Action mailed August 20, 2009, claims 1-5 of the present application were rejected. Herein, claims 1-4 are currently amended, and new claims 16-18 have been added. No new matter has been added. Additionally, claims 5-15 have been cancelled without prejudice or disclaimer to the subject matter therein. Applicants respectfully request further examination and reconsideration of the present application.

Applicants note that the subject matter of new claims 17 and 18 is supported by the specification based on the following: in Fig.3, the IC card 100 includes the control unit 113 and the discount calculation unit 114; in Fig.11, steps S116 and S118; and in Fig.13, steps S151 to S154. Applicants respectfully submit that claims 17 and 18 do not introduce new matter.

Initially, Applicants would like to draw the Examiner's attention to the Office Action Summary, in which the Examiner has not acknowledged Applicants' claim for priority under 35 U.S.C. 119(a)-(d) or (f). Applicants respectfully request that the Examiner acknowledge Applicants' claim in the next communication.

Additionally, Applicants note that the abstract on file for the present application is a copy of the front page of WO2004/075082. WO2004/075082 is the international publication number of PCT/JP2004/001741 to which the present application is a national stage application thereof. Herein, Applicants submit a replacement abstract and respectfully request its entry. No new matter has been added.

Claims 1-5 were rejected under 35 U.S.C. 102(e) as being anticipated by Yamada (U.S. Patent Application Publication No. 2005/0038705). Applicants respectfully request reconsideration of the above rejection based on the following remarks.

Claim 1 recites, in part, a register apparatus including a generation unit operable to generate pre-receipt information, the pre-receipt information being generated before a judgment unit of a recording medium judges that a discount is to be applied, and a recording medium

including a judgment unit operable to judge, when a commodity is being purchased, whether the discount is to be applied, based on condition information, and a calculation unit operable to calculate, when the judgment unit judges that the discount is to be applied, the discount amount based on the calculation method information and the pre-receipt information. Applicants respectfully submit that these features of claim 1 are not disclosed or suggested by Yamada.

Applicants note that Yamada discloses a POS server 100 that controls a plurality of local terminals 300a, 300b, 300c arranged in a plurality of stores (FIG.1, Abstract). The POS server 100 contains a first control apparatus 210a having a database operating instruction management unit 150 for handling database operating instructions transmitted by the plurality of local terminals 300a, 300b, 300c to the POS server 100 (FIG.6, [0097]-[0098], [0125]). Applicants note that while the database operating instruction management unit 150 contains a calculating unit 176, the calculating unit 176 computes the corrected value of the number of stock of a product, i.e., the calculating unit merely computes the amount of stock on hand based on prior entered stocktaking information and dealing of stock information received from the plurality of local terminals ([0104]-[0108]). Applicants note that the database operating instruction management unit does not operate independently of the plurality of local terminals. For example, the calculating unit of the database operating instruction management unit does not calculate stock information independently of the local terminals, therefore, any of the local terminals can be illegally altered, thus affecting the calculating unit.

Contrast the above system described in Yamada to that of claim 1 in which a register apparatus including a generation unit operable to generate pre-receipt information, the pre-receipt information being generated before a judgment unit of a recording medium judges that a discount is to be applied, and a recording medium including a judgment unit operable to judge, when a commodity is being purchased, whether the discount is to be applied, based on condition information, and a calculation unit operable to calculate, when the judgment unit judges that the discount is to be applied, the discount amount based on the calculation method information and the pre-receipt information. In other words, the judgment unit of the recording medium judges based on condition information stored on the recording medium whether or not a discount should be applied, and, if the judgment unit determines the discount is to be applied, the calculation unit

then calculates the discount amount based on pre-receipt information received from the register apparatus. Therefore, claim 1 has the advantageous effect of allowing the recording medium to determine if a discount should be applied and calculate the discount amount independent of a possibly illegally alerted apparatus, thus protecting the holder of the recording medium.

In view of the above, Applicants respectfully submit that Yamada fails to disclose or suggest the generation unit of the register apparatus, and the judgment unit and the calculation unit of the recording medium, as recited in claim 1.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentable over Yamada.

Further, Applicants respectfully submit that claims 2-4 are patentable over Yamada based at least on their dependency from claim 1.

If the Examiner maintains the rejection of claim 1, in order for the Applicants to be able to make an informed decision with regard to appeal, Applicants kindly request that the Examiner explicitly identify the elements in Yamada that are being relied upon as corresponding to the claimed (i) “judgment unit” and (ii) “calculation unit” of the recording medium, and the (iii) “generation unit” of the register apparatus.

Regarding new claim 16, Applicants note that claim 16 recites, in part, a register apparatus including a generation unit operable to generate pre-receipt information, the pre-receipt information being generated before a judgment unit of a recording medium judges that a discount is to be applied, and a mobile information terminal including a judgment unit operable to judge, when a commodity is being purchased, whether the discount is to be applied, based on condition information, and a calculation unit operable to calculate, when the judgment unit judges that the discount is to be applied, the discount amount based on the calculation method information and the pre-receipt information. Therefore, Applicants respectfully submit that claim 16 is patentable over Yamada for reasons similar to those discussed above with respect to claim 1.

Regarding new claims 17 and 18, Applicants note that claims 17 and 18 depend from claims 1 and 16, respectively. Therefore, Applicants respectfully submit that claims 17 and 18 are patentable over Yamada based at least on their dependency from claims 1 and 16, respectively.

Therefore, for at least the reasons presented above, Applicants respectfully submit that independent claims 1 and 16, as well as the claims depending therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, Applicants respectfully request that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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